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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,458	03/30/2001	Todd M. Altman	42390P10396	5718

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/823,458

Applicant(s)

ALTMAN ET AL.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office action is in response to the amendment filed August 22, 02. Claims 1, 16, and 20 have been amended. Claims 2 and 21 have been canceled.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (US Patent NO. 6,353,398) in view of Titmuss et al. (US Patent No. 6,397,040).

#### Claim 1:

Amin et al. discloses a system, thus, a method comprising:

- a. Identifying a reference location
- b. Providing consumer information determined at least in part on a vendor's proximity to the reference location, wherein the consumer information being received by the portable communication device is filtered by user preferences.

See abstract and summary invention. Also col. 2, last paragraph and col. 4, lines 29-50.

Amin fails to disclose that the user preferences to be filtered are stored in the portable communication device. However, the concept of storing user's preference in the user

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communication device is well known in the art as taught in Titmuss et al. wherein each personal agent 6 stores its user's preference data. Col. 3, lines 13-15, col. 6, lines 29-30 and lines 57-62. Thus, it would have been obvious to one skilled to readily recognize applying such concept in the system of Titmuss because it would help to reduce irrelevant information to be delivered to the user.

Claim 3:

The consumer information in Amin et al. includes providing consumer information through a wireless communication.

Claim 4:

The identifying the reference location includes determining the current location of the user.

Claim 5:

The system in Amin et al. determines the location of a user includes determining the location of a portable communication device with GPS system.

Claim 6:

The system in Amin et al. identifies consumer information including inputting a location into a portable communication device. Col. 1 last paragraph.

Claim 7:

In Amin et al., the system requests a service in proximity to a portable communication device. Col. 3, second paragraph.

Claims 8-10:

Amin et al. infers that the system requests a service includes specifying an acceptable price for the service. Col. 4, lines 13-15.

Claim 11:

The system in Amin et al. includes a step method of requesting a service from a group consisting of food, lodging, and goods.

Claim 12:

In the Amin et al. system, the offer of service includes a service from the group consisting of food, lodging, and goods. Col. 1, lines 58-62.

Claim 13:

The Amin et al. system also transmits an offer of service to a portable communication having a reference location that is within proximity to a vendor. Col. 3, lines 2-6.

Claims 14-15:

Though it is not clearly stated that the Amin et al. system provides directions to the user from the reference point, the reference does implicitly suggests providing directions from the reference location to a vendor associated with the consumer information. Col. 2, first paragraph and also lines 18-20. It would have been obvious to one skilled in the art that the display information related to the query would be pertinent information such as directions to the vendor location so that the user will be able to find the vendor.

Claim 16:

Amin et al. discloses a system, thus, a method comprising:

- a. Determining a reference location
- b. Requesting a service from a portable communication device

- c. Providing consumer information to the portable communication device, the consumer information determined at least in part on a vendor's proximity to the reference location, wherein the consumer information being received by the portable communication device is filtered by user preferences stored in the portable communication device.

See abstract and summary invention. Also col. 2, last paragraph and col. 4, lines 29-50.

Amin fails to disclose that the user preferences to be filtered are stored in the portable communication device. However, the concept of storing user's preference in the user communication device is well known in the art as taught in Titmuss et al. wherein each personal agent 6 stores its user's preference data. Col. 3, lines 13-15, col. 6, lines 29-30 and lines 57-62. Thus, it would have been obvious to one skilled to readily recognize applying such concept in the system of Titmuss because it would help to reduce irrelevant information to be delivered to the user.

Claim 17:

In Amin et al. requesting a service include requesting location of a gas station.

Claim 18:

The Amin et al. system identifies user preferences for the service.

Claim 19:

As discussed in claims 14-15, one skilled in the art would have recognized the desirability of providing directions from the reference location to the vendor. In addition, it would have been obvious to one skilled in the art that the reverse direction should also be provided, for instance, upon the user preference as it is conventionally known in the navigation

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art such as internet driving directions because reverse direction from a location to a reference location where the user starts from would be useful the users not familiar to the area.

Claim 20:

Amin discloses a portable communication device adapted to request a service based on the location of the portable communication device.

Amin fails to disclose that the user preferences to be filtered are stored in the portable communication device. However, the concept of storing user's preference in the user communication device is well know in the art as taught in Titmuss et al. wherein each personal agent 6 stores its user's preference data. Col. 3, lines 13-15, col. 6, lines 29-30 and lines 57-62. Thus, it would have been obvious to one skilled to readily recognize applying such concept in the system of Titmuss because it would help to reduce irrelevant information to be delivered to the user.

Claim 22:

The portable communication device is further adapted to provide directions from the location of the portable communication device to the location of the service.

**REMAKS**

4. Applicant's arguments filed August 22, 02 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Thursday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Julie Lieu  
Primary Examiner  
Art Unit 2632

jl  
November 15, 2002